

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ADRIAN BRADD,

Petitioner,

v.

Case No. 10-13800
Honorable Denise Page Hood

WARDEN WALTON,

Respondent.

ORDER DENYING PETITIONER'S THIRD MOTION FOR RECONSIDERATION

Pending before the Court is petitioner Adrian Bradd's third motion for reconsideration of the Court's order and judgment dismissing Petitioner's habeas corpus petition. The habeas petition alleged that the prosecution withheld exculpatory evidence from Petitioner at his federal criminal trial and that Petitioner is actually innocent of the drug conspiracy for which he is imprisoned. The Court summarily dismissed the habeas petition because a prisoner's challenge to a federal conviction generally must be made in a motion to vacate sentence under 28 U.S.C. § 2255, and Petitioner's claim of actual innocence was unpersuasive.

Generally, "the court will not grant motions for rehearing or reconsideration that merely present the same issues ruled upon by the court, either expressly or by reasonable implication. The movant must not only demonstrate a palpable defect by which the court and the parties and other persons entitled to be heard on the motion have been misled but also show that correcting the defect will result in a different disposition of the case." Local Rule 7.1(h)(3) (E.D. Mich. Mar. 1, 2010).

Petitioner is raising the same issues already ruled upon, and he has not demonstrated that the Court made a palpable defect and that correcting the alleged defect will result in a different disposition of his case. Accordingly, Petitioner's motion for reconsideration [docket entry #15, dated December 6, 2011] is **DENIED**.

S/Denise Page Hood
Denise Page Hood
United States District Judge

Dated: December 27, 2011

I hereby certify that a copy of the foregoing document was served upon Adrain Bradd, 10662052 Terre Haute, Federal Correctional Institution, Inmate Mail/Parcels, P.O. Box 33, Terre Haute, IN 47808 and counsel of record on December 27, 2011, by electronic and/or ordinary mail.

S/Julie Owens
Case Manager